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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-905**

13 **JUDY MERRILL,**
14 **AKA JUDY ANN MERRILL**
15 **400 West 11th Street**
16 **The Dalles, OR 97058**

A C C U S A T I O N

17 **Registered Nurse License No. 270453**

Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On August 31, 1976, the Board of Registered Nursing issued Registered Nurse
25 License Number 270453 to Judy Merrill, also known as Judy Ann Merrill (Respondent). The
26 Registered Nurse License was in full force and effect at all times relevant to the charges brought
27 herein and expired on February 29, 2012, and has not been renewed.

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4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

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1 **COST RECOVERY**

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request
3 the administrative law judge to direct a licentiate found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not
6 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
7 may be included in a stipulated settlement.

8 **CAUSE FOR DISCIPLINE**

9 **(Oregon - Out Of State Discipline)**

10 9. Respondent has subjected her license to disciplinary action under Code section
11 2761, subdivision (a)(4), in that her license to practice nursing in Oregon was disciplined by the
12 Oregon State Board of Nursing (Oregon Board) in a disciplinary action, which resulted in her
13 license to be suspended for 30 days. The circumstances are as follows:

14 10. On December 5, 1995, the Oregon Board issued by endorsement to Respondent
15 Registered Nurse license number 095007151RN. Respondent has been employed in the state of
16 Oregon since 1995.

17 11. On November 8, 2006, the Oregon Board took disciplinary action against
18 Respondent's registered nurse license in a matter entitled, *In the Matter of Judy Ann Merrill, RN*
19 *License No. 095007151RN*, by approving the Stipulation signed by Respondent and by reference
20 incorporating into a Final Order, Case No. 06-308. The Oregon Board suspended Respondent's
21 Registered Nurse license for violation of the provisions of Oregon Revised Statutes (ORS)
22 section 678.111, subdivision (1)(f) and Oregon Administrative Rules (OAR) section 851-045-
23 0015, subdivision (1)(c), subdivision (2)(b), and subdivision (4)(b).

24 12. The facts that led to the discipline are as follows. Respondent was a registered
25 nurse at the medical surgical unit of the Mid-Columbia Medical Center in The Dalles, Oregon.
26 At or about 2:30 p.m. on March 14, 2006, Respondent reported for duty as a nurse and took over
27 responsibilities of providing post operative care for a patient who recently had surgery. At or
28 about 5:30 p.m., Respondent contacted the patient's physician and requested he evaluate the

1 patient. At or about 6:00 p.m. the physician and a respiratory therapist attended to the patient.
2 Shortly thereafter, upon entering the patient's room at 6:40 p.m., Respondent assessed the patient
3 and determined that he had no pulse, respiration, or detectable blood pressure. Respondent did
4 not begin resuscitation and reported to coworkers that the patient had died. Respondent failed to
5 immediately call a code for resuscitation where a patient did not have a "Do Not Resuscitate"
6 order in effect, which is conduct derogatory to the standards of nursing. Respondent was charged
7 with failure to implement and follow through with the plan of care, neglect of a client, and
8 failure to conform to the essential standards of acceptable and prevailing nursing practice.

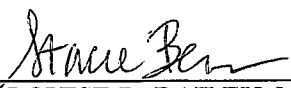
9 13. On October 25, 2006, Respondent acknowledged to the Board that her conduct
10 may have adversely affected the health, safety, and welfare of the public; signed a stipulation
11 submitting her license to suspension for 30 days; and agreed that within six months she will
12 complete courses on professional accountability and legal liability of nurses, ethics of nursing
13 practice, and critical thinking skills for competent nursing practice.

14 PRAYER

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein
16 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 17 1. Revoking or suspending Registered Nurse License Number 270453, issued to
18 Judy Merrill, aka Judy Ann Merrill;
- 19 2. Ordering Judy Merrill to pay the Board of Registered Nursing the reasonable
20 costs of the investigation and enforcement of this case, pursuant to Business and Professions
21 Code section 125.3;
- 22 3. Taking such other and further action as deemed necessary and proper.

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24 DATED: APRIL 13, 2013


25 for LOUISE R. BAILEY, M.ED., RN
26 Executive Officer
27 Board of Registered Nursing
28 Department of Consumer Affairs
State of California
Complainant

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